

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur M. Krieg et al.
Serial No: Not yet assigned
Confirmation No:
Filed: Herewith
For: IMMUNOMODULATORY OLIGONUCLEOTIDES

Examiner: Not yet assigned
Art Unit: Not yet assigned

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application (copies enclosed with parent patent applications US Serial No.: 10/690,495, 09/415,142 or 08/386,063 except 10/690,495, a copy of which is enclosed herewith, C1039-70083US01 through 70083US07, are identical to the parent and therefore copies are not enclosed):

Docket Number	Serial Number	Filing Date	Inventor(s)
C1037.70013US00	09/776,479	2/2/01	Bratzler et al.
C1037.70016US00	09/009,634	1/20/98	Hutcherson et al.
C1037.70021US00	09/949,194	9/7/01	Peterson et al.
C1037.70025US00	10/017,995	12/14/01	Bratzler
C1037.70038US01	10/735,592	12/11/03	Krieg et al.
C1037.70041US00	10/613,749	7/3/03	Krieg
C1037.70042US00	10/613,524	7/3/03	Krieg
C1037.70043US00	10/613,739	7/3/03	Krieg
C1037.70044US00	10/613,716	7/3/03	Krieg
C1037.70045US00	10/613,228	7/3/03	Krieg
C1037.70046US00	10/455,247	6/5/03	Krieg
C1037.70048US00	10/644,052	8/19/03	Krieg et al.
C1037.70049US00	10/643,141	8/18/03	Hutcherson et al.
C1037.70051US00	10/666,733	9/19/03	Bratzler et al.
C1037.70052US00	10/668,050	9/22/03	Bratzler et al.
C1039.70020US00	09/337,584	6/21/99	Krieg et al.
C1039.70022US00	09/337,893	6/21/99	Krieg
C1039.70021US01	10/719,493	11/21/03	Krieg et al.
C1039.70035US00	09/669,187	09/25/00	Krieg et al.
C1039.70036US00	09/559,140	4/27/00	Noll et al.
C1039.70041US00	09/655,319	9/5/00	Krieg et al.
C1039.70042US00	09/630,319	7/31/00	Krieg et al.
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C1039.70044US00	09/672,126	9/27/00	Hartmann et al.
C1039.70048US00	09/818,918	3/27/01	Krieg et al.
C1039.70048US01	10/769,282	1/30/04	Krieg et al.
C1039.70049US00	09/824,468	04/02/01	Krieg et al.
C1039.70052US00	09/888,326	6/22/01	Weiner et al.
C1039.70057US00	09/965,101	9/26/01	Davis et al.
C1039.70058US00	10/023,909	12/18/01	Davis et al.

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Art Unit:

Docket Number	Serial Number	Filing Date	Inventor(s)
C1039.70060US00	10/112,653	3/29/02	Krieg et al.
C1039.70061US00	10/161,229	6/3/02	Krieg et al.
C1039.70062US00	10/187,489	7/2/02	Krieg et al.
C1039.70063US00	10/224,523	8/19/02	Krieg et al.
C1039.70065US00	10/272,502	10/15/02	Krieg et al.
C1039.70067US00	10/300,247	11/20/02	Davis et al.
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C1039.70082US00	10/631,676	7/30/03	Krieg et al.
C1039.70083US00	10/690,495	10/21/03	Krieg et al.
C1039.70083US01	10/769,626	1/30/04	Krieg et al.
C1039.70083US02-07	TBD	Herewith	Krieg et al.
C1039.70084US00	10/649,584	8/25/03	Krieg et al.
C1040.70006US00	09/316,199	5/21/99	McCluskie et al.
C1040.70010US00	09/768,012	1/22/01	Davis et al.
C1041.70002US00	09/241,653	2/2/99	Wagner et al.
C1041.70005US00	09/355,254	7/23/99	Wagner et al.
C1041.70010US00	09/786,436	9/3/99	Wagner et al.
C1041.70016US00	09/954,987	9/17/01	Bauer et al.
C1041.70019US00	10/140,013	5/6/02	Schetter et al.
C1041.70029US00	10/212,133	8/1/02	Lipford et al.
C1041.70031US00	10/265,072	10/5/02	Lipford
C1041.70035US00	10/373,381	2/24/03	Wagner et al.
C1041.70037US00	10/407,952	4/4/03	Lipford et al.
C1041.70040US00	10/666,844	9/19/03	Lipford et al.

Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

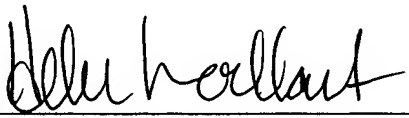
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,
Arthur M. Krieg et al., *Applicant*

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Date: February 26, 2004

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FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.:		ATTY. DOCKET NO.: C1039.70083US07			
				FILING DATE: Herewith		CONFIRMATION NO.:			
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Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
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	**	Davis, et al., "CpG DNA Is A Potent Enhancer Of Specific Immunity In Mice Immunized With Recombinant Hepatitis B Surface Antigen", <i>J. Immunol</i> , (1998) 160:870-876	
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				FILING DATE: Herewith		CONFIRMATION NO.:			
				APPLICANT: Arthur M. Krieg et al.					
				GROUP ART UNIT: Not yet assigned		EXAMINER: Not yet assigned			
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OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
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EXAMINER	DATE CONSIDERED
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